

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

LA UNIÓN DEL PUEBLO ENTERO, *et al.*,

Plaintiffs,

V.

STATE OF TEXAS, *et al.*,

Defendants.

HARRIS COUNTY REPUBLICAN PARTY, *et al.*,

Intervenor-Defendants.

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Case No. 5:21-cv-00844-XR
[Lead Case]

**LUPE PLAINTIFFS' AMENDED RESPONSES AND OBJECTIONS TO
DEFENDANTS' EXHIBIT LISTS**

The following list provides a key for the amended objections set forth below:

Code	Objection
402	Relevance (<i>see</i> Fed. R. Evid. 401, 402)
403	Undue Prejudice (<i>see</i> Fed. R. Evid. 403)
802	Hearsay (<i>see</i> Fed. R. Evid. 801, 802)
901	Authentication (<i>see</i> Fed. R. Evid. 901, 902)
F	Exhibit lacks foundation

In addition to the specific objections set forth below, LUPE Plaintiffs object to the introduction of exhibits that are not properly authenticated. LUPE Plaintiffs are willing to confer with Defendants regarding means to resolve authenticity objections in advance of trial, but even in instances where a stipulation as to authenticity may be reached, and unless otherwise noted, LUPE Plaintiffs reserve all other objections to admissibility including, but not limited to, objections based on lack of foundation, hearsay, and relevance. Moreover, as of the date of this filing, LUPE Plaintiffs have still not received copies of the State Defendants' exhibits, so further

reserve the right to object to any exhibit based on completeness and authenticity with respect to the actual exhibit that is offered. Finally, LUPE Plaintiffs note that many of their objections based on hearsay are conditional and depend on the purpose for which Defendants seek to introduce the exhibit.

Defendants' Exhibit Number	Exhibit Description	Objection/Response
STATE 2	Expert Witness Report, Prof. Mark Hoekstra, Response to Prof. Eitan Herish's February 10, 2023, Second Supplemental Report. Served on Mar. 3, 2023	802
STATE 3	Expert Witness Report, Prof. Mark Hoekstra, Response to Prof. Eitan Herish's February 28, 2022, Initial Report. Served on Mar. 29, 2022.	802
STATE 4	Notice of Correction to March 29, 2022, Expert Report of Prof. Hoekstra, Mark Ph.D., Written in Response to the February 28, 2022, Report by Prof. Eitan Herish. Served on Apr. 25, 2023.	802
STATE 5	Expert Witness Report, Prof. Mark Hoekstra, to Response Prof. Christian Grose's February 2023, 10, Supplemental Report. Served on Mar. 3, 2023	802
STATE 6	Expert Witness Report, Prof. Mark Hoekstra, Response to Prof. Grose's Christian February 28, 2022, Initial Report. Served on Mar. 29, 2022.	802
STATE 7	Notice of Correction to March 29, 2022, Expert Report of Prof. Mark Hoekstra, Written to in Response 28, the February 2022, Prof. Report by Grose. Christian Served on Apr. 25, 2023.	802
STATE 8	Expert Witness Report, Prof. Mark Hoekstra, Response to Prof. Eric McDaniel's February 10, 2023, Second Supplemental Report. Served on Mar. 3, 2023.	802

Defendants' Exhibit Number	Exhibit Description	Objection/Response
STATE 9	Expert Witness Report, Prof. Mark Hoekstra, Response to Prof. Eric McDaniel's February 28, 2022, Initial Report. Served on Mar. 29, 2022.	802
STATE 10	Expert Witness Report, Prof. Mark Hoekstra, Response to Prof. Kenneth R. Mayer's March 6, 2023, Supplemental Report. Served on Apr. 5, 2023.	802
STATE 11	Notice of Correction to April 5, 2023, Expert Report of Prof. Mark Hoekstra, PhD, Written in Response to the March 6, 2023, by Prof. Report Kenneth Mayer. Served on Apr. 25, 2023.	802
STATE 12	Expert Witness Report, Dr. Stephen C. Graves. Served on Mar. 29, 2022.	802
STATE 23	Final Report on Audit of 2020 General Election in Texas.	802
STATE 24	Executive Summary to Audit 2020 General Election in Texas	802
STATE 54	Form 7-33 AW7-7b, Notice of Voting Order Priority, January 2022.	Bates number doesn't correspond to document description; all objections reserved
STATE 67	January 18, 2022, Email from Election Security Trainer Alexa Buxkemper to Legal Director Christina Adkins, Re: How many forms....	802
STATE 82	CONFIDENTIAL Election Fraud Violations Office Chart, the Attorney of General, April updated 20, 2022.	402; 802; F
STATE 83	CONFIDENTIAL Instances of Suspected Illegal Voting Since March 1, 2018 – Cases Opened, of the Office Attorney General.	402; 802; F
STATE 84	CONFIDENTIAL Case Tracking Spreadsheet, Election Integrity Unit, Office of the Attorney General.	402; 802; F
STATE 85	2020 Complaint Log, Secretary of State	402; 802; F
STATE 86	2016–2019 Complaint Log, Secretary of State.	402; 802; F
STATE 88	March 11, 2021, Email from Director of Government Relations Ryan Fisher at the	402; 802

Defendants' Exhibit Number	Exhibit Description	Objection/Response
	Office of Attorney General to Jessica Hart; Re: OAG Election Fraud Section.	
STATE 90	Indictment, Texas v. Ward, Cause No. 50947-B.	402; 802
STATE 091	Indictment, Texas v. Jackson, Cause No. 50949-B.	402; 802
STATE 92	Indictment, Texas v. Burns, Cause No. 50951-B.	402; 802
STATE 93	Indictment, Texas v. Brown, Cause No. 50953-B.	402; 802
STATE 94	Indictment, Texas v. Molina, W-19-0134-J22.	402; 802
STATE 95	Indictment, United States v. Orellana, Case No. 9:18-cr-00020.	402; 802
STATE 96	Judgment in a Criminal Case, United States v. Orellana, Case No. 9:18-cr-00020.	402; 802
STATE 97	Plea Agreement, United States v. Orellana, Case No. 9:18-cr-00020.	402; 802
STATE 98	Warrant of Arrest, Texas v. Molina, W-19-0134-J22.	402; 802
STATE 99	Agreement, OAG Prosecution Diversion Program, related to illegal voting, signed March 8, 2022.	402; 802
STATE 100	Agreement, OAG Prosecution Diversion Program, related to unlawful assistance, signed June 6, 2018.	402; 802
STATE 101	Agreement, OAG Prosecution Diversion Program, related to illegal voting and false information on government record, signed October 28, 2021.	402; 802
STATE 102	Agreement, OAG Prosecution Diversion Program, related to illegal voting and false information on government record, signed August 14, 2020.	402; 802
STATE 103	Agreement, OAG Prosecution Diversion Program, related to illegal voting and false information on government record, signed August 19, 2020.	402; 802
STATE 104	Agreement, OAG Prosecution Diversion Program, related to illegal voting and false information on government record, signed June 5, 2018.	402; 802

Defendants' Exhibit Number	Exhibit Description	Objection/Response
STATE 105	Agreement, OAG Prosecution Diversion Program, related to assistance, unlawful signed June 15, 2018.	402; 802
STATE 106	Agreement, OAG Prosecution Diversion Program, related to failure to sign application as a witness, signed May 19, 2021.	402; 802
STATE 107	Agreement, OAG Prosecution Diversion Program, related to violations of Tex. Elec. Code §§ 64.012 and 276.013, signed August 5, 2019.	402; 802
STATE 108	Agreement, OAG Prosecution Diversion Program, related to false on information application for ballot by mail, signed June 26, 2018.	402; 802
STATE 109	Agreement, OAG Prosecution Diversion Program, related to false on information application for ballot by mail, signed June 25, 2018.	402; 802
STATE 110	Agreement, OAG Prosecution Diversion Program, related to false on information application for ballot by mail, signed June 25, 2018.	402; 802
STATE 111	Agreement, OAG Prosecution Diversion Program, related to illegal voting and false information on application for ballot by mail, signed July 25, 2018.	402; 802
STATE 112	Agreement, OAG Prosecution Diversion Program, related to illegal voting and false information on application for ballot by mail, signed July 25, 2018.	402; 802
STATE 113	Agreement, OAG Prosecution Diversion Program, related to false information on application for ballot by mail, signed September 17, 2018.	402; 802
STATE 114	Agreement, OAG Prosecution Diversion Program, related to false on information application for ballot by mail, signed June 26, 2018.	402; 802
STATE 115	Agreement, OAG Prosecution Diversion Program, related to false on information application for ballot by mail, signed June 26, 2018.	402; 802

Defendants' Exhibit Number	Exhibit Description	Objection/Response
STATE 116	Agreement, OAG Prosecution Diversion Program, related to false on information application for ballot by mail, signed June 26, 2018.	402; 802
STATE 117	Final Judgment, Rangle v. Rodriguez, NO. 2022CVK001669D1 49th Dist. Ct., Webb County, Feb. 2, 2023.	402; 802
STATE 118	United States' Responses to Texas's First Set of RFPs – Privilege Log Exhibit 10 – May 9, 2022, Dep. of Remi Garza.	402; 802; F
STATE 119	November 4, 2013, Press Release from FBI San Antonio Field Re: Former Office, Cameron County Woman Convicted of Voter Fraud.	402; 802
STATE 120	June 2014, Press 5, from Release of Justice Department Attorney's U.S. Office Southern District Texas, Re: of Campaign Worker Pleads Guilty To Buying Votes In School Donna Board Election.	402; 403; 802
STATE 121	June 19, 2014, Press Release from Department of Justice, Re: Campaign Manager Charged with Buying Votes in a Donna, Texas, School Board Election.	402; 403; 802
STATE 122	December 1, 2014, Press Release from FBI San Antonio Field Office, Re: Campaign Manager Pleads Guilty to Conspiracy to Buy Votes in a Donna, Texas School Board Election.	402; 403; 802
STATE 125	December 3, 2018, Letter from Senator Judith Zaffirini to Senator Bryan Hughes regarding Senate Select Committee on Election Security.	802
STATE 126	Chuck DeVore, The Role of Voter List Maintenance and Voter Identification in Election Integrity, Texas Public Policy Foundation, March 2021.	802
STATE 131	Justice Devine Dissent, In re Hotze, et al, No. 20-0751, 627 S.W.3d 652 Tex. 2020. Exhibit 13 – October 6, 2022, Dep. of Sen. Carol Alvarado.	402
STATE 133	August 27, 2020, Letter from Director of Elections Keith Ingram to Harris County Clerk Chris Hollins about unsolicited ABBMs.	802

Defendants' Exhibit Number	Exhibit Description	Objection/Response
	Exhibit 3 – October 6, 2022, Dep. of Sen. Carol Alvarado.	
STATE 134	Petition, State v. Hollins, NO. 14-20-00627-CV 127th Dist. Ct., County, Tex. Harris Aug. 31, 2020. Exhibit 7 – May 6, 2022, Dep. of Chris Hollins.	402; 802
STATE 139	Petition for Writ of Mandamus, In re Hotze, et al, No. 20-0819, 909 Tex. 610 S.W.3d 2020. Exhibit 11 – May 6, 2022, Dep. of Chris Hollins.	402; 802
STATE 140	Justice Devine Dissent, In re Hotze, et al, No. 20-0819, 610 S.W.3d 909 Tex. 2020.	402
STATE 143	September 10, 2020, Email from Elections Division Attorney Charles Pinney to Assistant Director Dan Hayes, Re: Travis County Central Count Accommodations for Poll Watchers.	802
STATE 146	Brief of the Texas Attorney General, In re Mackowiak, et al, No. 20-0889 Tex. 2020.	402; 802
STATE 147	Rule 11 Agreement between Relators and Respondent, In re Mackowiak, et al, No. 20-0889 Tex. 2020.	402
STATE 175	2022-2023 Voting Assistance Guide, Alabama.	402; F
STATE 176	2022-2023 Voting Assistance Guide, Georgia.	402; F
STATE 177	2022-2023 Voting Assistance Guide, Florida.	402; F
STATE 178	2022-2023 Voting Assistance Guide, Hawaii.	402; F
STATE 179	2022-2023 Voting Assistance Guide, Louisiana.	402; F
STATE 180	2022-2023 Voting Assistance Guide, Mississippi.	402; F
STATE 181	2022-2023 Voting Assistance Guide, New Jersey.	402; F
STATE 182	2022-2023 Voting Assistance Guide, New Mexico.	402; F
STATE 183	2022-2023 Voting Assistance Guide, North Carolina.	402; F
STATE 184	2022-2023 Voting Assistance Guide, North Dakota.	402; F
STATE 185	2022-2023 Voting Assistance Guide, Pennsylvania.	402; F

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STATE 186	2022-2023 Voting Assistance Guide, South Dakota.	402; F
STATE 187	2022-2023 Voting Assistance Guide, Tennessee.	402; F
STATE 189	2022-2023 Voting Assistance Guide, Virginia.	402; F
STATE 190	2022-2023 Voting Assistance Guide, West Virginia.	402; F
STATE 191	Webpage, State Laws Governing Early Voting, NATIONAL CONFERENCE OF STATE LEGISLATURES Aug. 8, 2019. Exhibit 1 – May 2, 2022, Dep. of Dana DeBeauvoir.	402; 802
STATE 219	September 27, 2022, Email from Director of Elections Keith Ingram to Joyce LeBombard, League of Women Voters, Re: Two More Quick Questions.	802
STATE 220	December 2021, 9, from Deputy Email Director Scott J. Federal Wiedmann, Voting Assistance to Legal Program, Director Christina Adkins, Re: RE: [Non-DoD Questions Source] Carrier on Envelopes for voters. FPCA.	802
STATE 223	July 7, 2022, Mass Email from Director of Elections Keith Ingram to Election Officials, Re: Notice of Court Order and Revised Election Forms.	802
STATE 224	August 25, 2022, Mass Email from Secretary of State's Elections Internet account to Election Re: Officials, Important Information for the November 8, 2022, General Election.	802
STATE 226	October 11, 2022, Mass Email from Legal Director Christina to Election Adkins Officials, Re: Reminder – Webinar Today.	802
STATE 229	September 8, 2022, Press Release, SOS 101: Voter Registration in Texas, Texas Secretary of State Press Office.	802
STATE 232	November 7, 2022, Press Release, What to Expect on Election Day Texas, Texas in Secretary of State Office. Press.	802
STATE 233	February 9, 2022, Email from Assistant Secretary of State for Communications Sam Taylor to Director of Elections Keith	802

Defendants' Exhibit Number	Exhibit Description	Objection/Response
	Ingram, Re: Correction to CNN story – incorrect information about new vote by mail ID requirement.	
STATE 234	Webpage, Voters with Special Needs, EPCOUNTYVOTES.COM, https://epcountyvotes.com/voter_information/voters_with_special_needs .	901
STATE 236	Webpage, Services Available to Voters with Disabilities in Texas, VOTETEXAS.GOV, https://www.votetexas.gov/voters-with-special-needs/	901
STATE 237	Webpage, FPCA Ballot Tracker, TEXAS SECRETARY OF STATE, https://web.services.sos.state.tx.us/FPCA/index.aspx .	901
STATE 256	Power Point Presentation, Proactive Communication Strategies for Local Election Officials, Secretary of State, Election Seminar, Secretary of State, November 2022.	901
STATE 282	Declaration of Brian Keith Ingram, ECF 43-1, Tex. League of United Latin Am. Citizens v. Abbott, 493 F. Supp. 3d 548, 567 W.D. Tex. 2020, vacated sub nom. Tex. League of United Latin Citizens v. Am. Hughs, No. 20-50867, 2021 WL 1446828 5th Cir. Feb. 22, 2021.	402; 802
STATE 283	Reporters Record, Vol. 2 of 3, October 13, 2020, Hearing on Application Plaintiff's for Temporary Injunction and Defendants Plea to the Jurisdiction, Anti-Defamation League Austin, Southwest, and Texoma Regions v. Abbott, Cause No. D-1-GH-20-005550.	402; 802
STATE 284	Appellant's Brief, Abbott v. Anti-Defamation League Austin, Southwest, and Texoma Regions, Appellate Cause No. 03-20-00498- CV, 2020 WL Tex. 6586318 App.—Austin.	402; 802
STATE 285	Appellant's Reply Brief, Abbott v. Anti-Defamation League Austin, Southwest, and Texoma Appellate Regions, 03- Cause No. 20-00498- Tex. CV Austin. App.—	402; 802
STATE 287	John Burnett & Marisa Peñaloza, In Rio Grande Valley, Some Campaign Workers Are Paid To Harvest Votes, NPR July 7, 2015.	802

Defendants' Exhibit Number	Exhibit Description	Objection/Response
STATE 288	Tim Acosta, Judge tosses Kleberg County justice of the peace votes, orders new election, CALLER TIMES June 26, 2018.	802
STATE 289	Tim Acosta, Robstown resident pleads guilty to voter fraud, barred from helping in future elections, CALLER TIMES June 14, 2018.	802
STATE 290	U.S. Census Bureau's Quick Facts: Harris County, Texas, population estimate July 1, 2021. Exhibit 46 – October 6, 2022, Dep. of Sen. Carol Alvarado.	901
STATE 292	Report of the Commission on Federal Election Reform, Building Confidence in U.S. Elections, September 2005.	802
STATE 307	Summary Exhibit - ABBM application and ballot numbers-20220325T005810Z-001.zip?ABBM and ballot application numbers\ a_reqexpPM22_full.txt LUPE 0007719	No summary produced; all objections reserved
STATE 309	Summary Exhibit - REDACTED - _P322__1_Dallas.xlsx LUPE_0007734	No summary produced; all objections reserved
STATE 311	Summary Exhibit -a_reqexpPM22_full.txt LUPE_0024430	No summary produced; all objections reserved
STATE 313	Summary Exhibit - P322_Election.xlsx HJ_0008945	No summary produced; all objections reserved
STATE 315	January 31, 2017, Letter on Results of Audit of November 8, 2016, General Election from Gretchen Nagy, Director, Travis County Voter Registration to Michael Winn, Director, Travis County Clerk Elections Division	802
GOP 2	August 9, 2021 Email from C. Siegel to Senators, RPCI_0000331-332	802
GOP 4	May 5, 2022 Email from M. Scarpello, RPCI_0000361-3666	802